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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,000	11/28/2000	Anthony J. Polverino	MBHB00-450-A	6633
20306	7590	08/19/2004	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606			RAWLINGS, STEPHEN L	
			ART UNIT	PAPER NUMBER
			1642	

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 09/724,000	<b>Applicant(s)</b> POLVERINO ET AL.	
	<b>Examiner</b> Stephen L. Rawlings, Ph.D.	<b>Art Unit</b> 1642	

**All Participants:**

**Status of Application:** \_\_\_\_\_

(1) Stephen L. Rawlings, Ph.D.

(3) \_\_\_\_\_

(2) Donald Zuhn, Ph.D.

(4) \_\_\_\_\_

**Date of Interview:** 10 August 2004

**Time:** 4:00 PM

**Type of Interview:**

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☐ No

If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

Claims discussed:

14 and 61

Prior art documents discussed:

**Part II.**

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet*

**Part III.**

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
(Examiner/SPE Signature)

\_\_\_\_\_  
(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The Examiner telephoned Dr. Zuhn to discuss the merit of the after-final amendment filed June 30, 2004. The Examiner informed Dr. Zuhn that while the amendment appears to resolve all outstanding issues, upon reconsideration, claims 14 and 61 fail to meet the written description requirement set forth under 35 USC 112, first paragraph. In lieu of reopening prosecution, the Examiner suggested amending claim 14 to recite "consisting of", rather than "comprising, in line 4, or alternatively, amending both claims 14 and 61 to recite a particularly identifying functional feature common among the members of the genus of protein fragments to which the claims are directed. After discussing the issue with Applicant, Dr. Zuhn informed the Examiner that Applicant would prefer that prosecution be reopened. .